

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

LONNIE BRITTON,

Civ. No. 17-3701 (NLH)

Petitioner,

MEMORANDUM OPINION & ORDER

v.

GARY LANIGAN, et al.,

Respondents.

APPEARANCE:

Lonnie Britton, No. 195887C/1029078
Northern State Prison
168 Frontage Road
Newark, NJ 501
Petitioner, pro se

HILLMAN, District Judge

WHEREAS, Petitioner Lonnie Britton has filed a Notice of Appeal to the Third Circuit Court of Appeals together with an application to proceed in forma pauperis on appeal, see ECF Nos. 27 & 28; and

WHEREAS, "[u]pon filing a notice of appeal, the appellant must pay the district clerk all required fees." Fed. R. App. Pro. 3(e). "Any court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor." 28 U.S.C. § 1915(a); and

WHEREAS, Federal Rule of Appellate Procedure 24 states in relevant part that "[a] party who was permitted to proceed in forma pauperis in the district-court action . . . may proceed on appeal in forma pauperis without further authorization" unless the Court finds the appeal is not taken in good faith or the party is otherwise not entitled to proceed in forma pauperis. Fed. R. App. P. 24(a)(3)(A)-(B); and

WHEREAS, Petitioner's request to proceed in form pauperis in this matter was granted on September 27, 2017. See ECF No. 6. Petitioner appeals this Court's dismissal of his petition for writ of habeas corpus under 28 U.S.C. § 2254. See ECF No. 26. The Court finds that none of the Rule 24(a)(3) exceptions apply.

THEREFORE,

IT IS on this 5th day of November, 2019

ORDERED that the application to proceed in forma pauperis on appeal (ECF No. 28) is granted; and it is finally

ORDERED that the Clerk of the Court shall serve a copy of this Order on Petitioner by regular first-class mail.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.